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Claim 64. I claim the access system of claim 63 characterized in that said known set of priorities includes the available recording room in said program data storage.

Claim 65. I claim the access system of claim 63 characterized in that said known set of priorities are ranked in an order of preference.

Claim 66. I claim the access system of claim 63 characterized in that said known set of priorities may be changed from time to time.

#### REMARKS

On August 4, 1997 the U.S. Patent and Trademark Office issued an office action rejecting claims 1-12, 14-28 and 33-40 under 35 USC 102(b) as being anticipated by the Yurt reference U.S. 5,132,992, rejected claims 29, 31 and 32 under 35 USC 102(e) as being anticipated by Rogalski U.S. 5,159,636, and rejected claims 13, 30 and 41 under 35 USC 103(a) as being unpatentable over Yurt.

In response to these rejections, the applicant has amended the claims to clarify their distinctiveness, thus maintaining similar coverage while clarifying their distinctness over the Yurt reference.

Before a specific discussion of the claims, the applicant believes that it is important to recognize Yurt as what it actually is - and that is an electronic hotel movie distribution system. In this system a lodger selects a video

from the numerous videos available (typically by entering a reference number which is sent to a central location), arranges for payment, and then in his room accesses the video for playback at such remote location at a time of a lodger's own choosing (within the terms of the rental agreement). The lodger has the typical VCR controls of rewind, play, fast forward, pause and stop. On completion of the rental term, the lodger returns the video (by erasure), thus completing the viewing cycle.

The Yurt reference is specifically designed to accomplish this result. In Yurt, the programs are all located at a central location (library 118 in fig 2b for example, see also col 6 lns 8-25, 35-41). The consumer contacts an online access interface (step 3010 in fig 3, 121 in fig 2b for example, see also col 11 lns 8-21, col 3 lns 54-60) either directly or through an operator, and specifically orders one of the programs which is listed as available on the access interface (step 3050, 3060 in fig 3, col 12 lns 24-27). The consumer also may enter a time and date of proposed viewing (step 3090 in fig 3). At a time intermediate between the ordering and the time of proposed playback, the central location downloads that particular selected program to a reception system (fig 1, col 15 lns 38-46, step 419 in fig 7). The user can then at his convenience playback this program in real time at his chosen location using the stereotypical VCR controls (col 17 lns 35-43). If the program is not copy protected, the user can further download it onto to a VCR for subsequent replay (col 5 lns 44-45). According to the user's agreement with the central location, after viewing the program

it erases itself thus in effect returning it to the central location (col 5 lns 35-42).

The major difference between Yurt and the archetypical hotel example is that in Yurt the user does not have to go to the program's central location in order to acquire a specific program. The user can instead accomplish this from virtually any location. The results are, however, otherwise similar especially in that the consumer must order the program by specific action.

This system is dissimilar from the applicant's claimed invention.

To summarize the applicant's invention in the same sort of terms, various multiple programs are passed along one or more delivery channels from a central location to a remote location without a user's specific request, as for example, by a network such as Home Box Office (fig 1, program data streams, pg 7 lns 25-30). Identification data is also passed to the remote location. At this remote location, the programs together with the identification data may be stored. The user is able to access the identification data at his own location to access the stored or real time programs which also exist at his own location (fig 1, program data storage, pg 14 lns 8-16, pg 7 lns 13-15). This would be the equivalent of having a video mini store such as Blockbuster in your own TV. The user then selects which particular programs he would like to access utilizing a data manager (as programs have been sent without request, this data is on location for expeditions program access, fig 1, data manager, pg 7 lns 7-16). In this decision making process, the user is able to access any one of a

multitude of programs at his own location without further contact to or input from the outside world. Typically, the programs which exist in the program data storage means at the user's location are recorded there without any specific prior requests by the user - this is meant that the user does not only have programs which he might specifically order (such as the common pay-per-view) but instead has a full cross-section of unordered programs of a selected category, type and/or age. The user is free to switch randomly between these programs at any time. The user's stored inventory of programs may change from time to time including automatically depending on that user's parameters and/or priorities. Further, if the user suspends viewing a particular program, the user is able to use a frequency shift mechanism to accelerate the subsequent viewing of the program to reduce the total aggregate presentation time, all without an annoying frequency shift which would otherwise occur (pg 2 lns 25-pg 3 ln 18). The user further does not have to record a particular program on a VCR in that the programs will remain available in the program data storage (subject to specific priorities in the preferred embodiment. These priorities will take automatic action in respect to the programs in the program data storage irrespective of whether or not such programs have already been retrieved.)

As can be readily understood, the overall concepts behind the claimed invention and that disclosed in Yurt are totally distinct. For example:

In respect to claim 1, this claim calls for

"at least one of the multiple programs being transmitted without a user's specific request" (clms 10, 25 and 26 are similar).

In contrast, the Yurt device will only transmit a program to a user upon that user's specific request (see for example customer access to the interface in fig 2b, the user selection 3060 in fig 3, receive 417 in fig 7, etal).

In respect to independent claim 6, this claim recites that there is a

"means at the given user location to record program identification data for the multiple programs" (clm 6).

Yurt does not have the means to record program identification data at the user's location, let alone the

"means at the same given user location to process the recorded program identification data to allow the user at the given user location to selectively access at least one of the multiple programs" (clm 6).

Set forth in a means plus function form, this recitation refers to the fact that the user can selectively access programs using data located at his own location (see for example pg 21 lns 16-20, pg 14 lns 8-16). This allow a jump from one program to the next without contacting anyone or having to wait for a new program to be sent.

Yurt does not have a means for the user to access this data at his own location to access one of multiple programs. To the contrary, in Yurt, the selection of the program is done remotely to the library access interface, either directly or by operator, with the particular selected program then transmitted to the user. Yurt has no teachings of the ability of a user to use program identification data to

manipulate multiple programs at his own location independently of the central order processing and access library thereat.

Independent claim 10 distinguishes as previously discussed in a manner similar to independent claim 1 by reciting the transmission of programs

"to a particular user's location without the particular user's control".

In addition, this claim recites

"means at the particular user's location to selectively access... the programs at that location respectively".

This recitation additionally distinguishes over Yurt in a manner similar to claim 6.

In contrast, Yurt has no programming transmitted without request or any means to selectively access one of multiple programs at his own specific location. Instead, Yurt must order the programs from a central order processing and access library.

In respect to claim 14, this claim includes

"overwrite means to automatically overwrite previously stored material including at least some material which has not been previously accessed based on determinable criteria developed from a known set of priorities."

This refers to the applicant's ability based on certain programmed criteria to develop a hierarchy of programs stored in the program data storage (see for example pg 11 lns 8-pg 12 ln 20, pg 20 ln 20-pg 21 ln 15). As set forth in claim 14, this includes the ability to erase or overwrite valid, and otherwise desired, viewed or unviewed programs in favor of other programs which have been previously deemed to be more desirable. The most that can be said of Yurt, is that

he erases programs once they have been retrieved from the storage area. Yurt has no teaching of eliminating programs which have not yet been viewed, and Yurt eliminates programs after viewing.

Claim 19 distinguishes over Yurt in a manner similar to claim 14 by reciting the accessing to the storage area for storage of programs in a previously utilized storage area occurring on an event "other than accessing of the then program in such storage area". Again, this is to be contrasted with Yurt wherein only the accessing of the program in the storage area allows future access to such storage area.

Independent claim 21 recites that there is a

"means to alter the certain run time of presentation of the accessible program to the different run time".

This claim refers to the ability of the preferred embodiment of the applicant's invention to alter the run time of presentation of a program to other than that which would occur during normal presentation (for example pg 2 lns 25-pg 3 lns 18). By this it is meant that a 30 minute program can be shown in 25 minutes. This allows one to suspend or interrupt the viewing of a program (for 5 minutes in this example) while still having the program terminate at the same time as it would have without such suspension or interruption. Programs can also be extended if desired (showing a 30 minute program in 35 minutes). This would be appropriate for example to entertain children or view a critical lecture).

Yurt only teaches of real time presentation. By this it is meant that if a 30 minute program in Yurt is interrupted for 5 minutes, the presentation time would be 35

minutes. As such, the program would not terminate at the time that it would have had the 5 minute break not occurred.

Independent claim 25 builds upon the subject matter of independent claim 10 with additional recitations, specifically that there is

"means at the given user's location to select a particular program from said program data stream without off location contact".

Again in Yurt the access library is located off location at the remote order processing area and thus necessitates off location contact in order to select any particular program, with such program then being transmitted upon that user's specific request.

Independent claim 28 recites

"means at the same time as real time reproduction (of a given program) to record programs including the remainder of said given program and/or another program in the storage area".

This recitation refers to the applicant's devices ability to both receive and access programs simultaneously (pg 2 lns 18-pg 3 ln 5, pg 22 lns 7-28).

There is no teaching in Yurt of such simultaneous receipt and access. To the contrary, Yurt teaches that programs are sent in their singular entirety. Further, Yurt has no teachings of the ability to record additional programs during the time period that another program is being viewed.

The applicant notes the inclusion of dependent claim 30 in the Yurt 35 USC 103 rejection. As Yurt was not cited as having an artifact modifier as in parent claim 29 in the office action, the applicant believes this to be a



typographical error. The claim 30 will be discussed with the Rogalski rejection of claim 29. If this was not intended, please advise.

In view of the above, the applicant believes that the presently pending independent claims distinguish over the Yurt reference. The applicant therefore believes that all of the claims rejected upon Yurt should be allowable thereover. In order not to clutter up the argument section with specific discussion of the dependent claims, the applicant includes as Appendix A an argument section directed to certain of the dependent claims. In the event that the examiner does not agree with the applicant's assertions in respect to the independent claims, the applicant respectfully requests that the examiner consider the dependent claims on their merit.

In respect to the examiner's rejection of claims 29, 30, 31 and 32 under 35 USC 102(e) as being anticipated by the Rogalski reference, the examiner indicates that the element which anticipates the claims is represented by the dashed line 25 in this reference. The applicant notes that the dashed line 25 is a signal path in an alternate embodiment of the invention wherein the output of the feedback filter is connected so that a differential output is taken (col 5 lns 25-30). As can be seen in the referenced figures 8 and 9, there is no selective activation of this alternate signal path. To the contrary, it is fixedly wired in place surrounding the feedback filter 20 - i.e. it is either there or it is not there.

To clarify the distinctiveness of the applicant's invention over this reference, the applicant has amended claim 29 to recite that there is

"means to selectively bypass the artifact modifier circuit when the artifact producing circuit is inactive".

This recitation refers to, for example, the time compression and expansion artifact removal circuit in figure 6 of the applicant's invention, such circuit either being switched totally on or totally off selectively as necessary.

The Rogalski reference does not have any means to selectively bypass anything, let alone an artifact producing circuit which may be active or inactive. The applicant therefore believes that this claim distinguishes over the examiner's reference of record.

Again, to avoid unduly lengthening this remark section, the applicant includes comments directed to certain of the dependent claims in an Appendix B attached hereto.

In addition to the above, the applicant includes claims 42-66 for the examiner's consideration. These claims amplify the existing claims in addition to honing in more certainly on the disclosed preferred embodiment of the invention.

In that these remarks are believed to place the application into condition for allowance, favorable action is solicited.

Respectfully submitted,

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## APPENDIX A

Claims dependent on independent claim 1:

Claims 2-3 distinguish over the Yurt reference because of their calling for storing multiple programs in one storage media or in compressed format, at least one of the multiple programs being transmitted without a user's specific request. Yurt does not accomplish this.

Dependent claim 4 distinguishes over the Yurt reference by locating program information at the user's location together with means to access said program information. Yurt accesses the remotely located library access interface 121.

Claim 5 further distinguishes building on claim 4 by reciting the specific addition of a data manager to allow the user to access the program. In contrast, Yurt uses his VCR type controls as previously discussed.

Claims dependent on independent claim 6:

Claim 7 recites a means at the user location to delay the programs to allow the processing of the program identification data, with such data being used to allow the user at the given user location to selectively access at least one of the multiple programs at such user location. Yurt does not have such a delay.

Claim 8 further builds on this recitation by reciting a data manager to process the program identification data. There is no teaching in Yurt of a data manager at the user's location.

Claim 9 distinguishes similarly although reciting a slightly different means for the data manager.

Claims dependent on independent claim 10:

Claims 11-12 cite a specific means for storing the multiple programs which arrive at a particular user's location without the particular user's request. These are important for the applicant's invention due to his potentially storing a vast quantity of programs at a particular given user's location such that there will be multiple hours or even days of programming present at a given time. The type of storage is therefore quite important for the applicant's invention. In contrast, Yurt does not teach of the necessity or desirability of such vast storage areas. Indeed, in the direct transmission mode Yurt needs no storage.

The recitation of claim 13 is important because "substantially all of the multiplicity of programs" are being stored at a given location, thus compressed storage is very important. As previously discussed, it is believed that Yurt does not have this type of consideration.

Claims dependent on independent claim 14:

Claims 15-16 develop further on the details of the preferred automatic hierarchy of programs to be overwritten in the applicant's storage area. This includes consideration of available storage (clm 15), time of storage (clm 16) and a particular user's priority (clm 16). There is no teaching in Yurt of consideration of any of these additional elements in a

transmission system. These claims therefore distinguish over Yurt.

Claims dependent on independent claim 19:

Claim 20 recites the utilization of previously accessed storage area upon the arrival of a certain time. Yurt does not have a consideration of a certain time for any deletion of programs, only the accessing of such programs. Therefor believed that claim 20 additionally distinguishes over the reference.

Claims dependent on independent claim 21:

Claim 22 distinguishes over Yurt in reciting that the different run time is determined by a user's interruption to the access of the program. This refers to, for example, the applicant's ability to present a 30 minute program in 28 minutes (as previously discussed). Yurt does not accomplish such a function, instead presenting programs in a single speed mode.

Claim 23 further distinguishes over claim 22 in reciting the ability of the applicant's program to alter the run time so as to terminate at the same time the program would have normally done so. This would allow one to terminate a 30 minute program at 5:00, irrespective of the fact that one began watching it at 4:32. This claim thus further refines on claim 22. Yurt does not have this construction.

Claim 23 further builds on claim 21 in reciting that the termination means is automatic. Yurt does not have such a means, let alone an automatic one.

Claims dependent on independent claim 25:

Claim 26 additionally distinguishes over claim 25 in a manner similar to claim 7 on its parent claim. This claim 26 recognizes that the programs should be delayed to allow the processing of the program identification data. Yurt does not have such program identification data or the program delay so as to allow the processing thereof.

Claim 27 further builds on claim 26 in reciting the data manager to process the program identification data. As discussed in respect to the claim 8, Yurt does not have such a data manager.

Claims dependent on independent claim 33:

Claim 34 additionally recites a data storage for multiple channels of information. It is believed that the buffer of Yurt at the remote location (fig 7) is only a single channel buffer; there is no teaching otherwise.

In respect to claim 35, there is no teaching in Yurt of program information relative to multiple channels of information at a user's location, let alone a data manager to utilize such program information. Instead, it is believed that Yurt must make a selection from a central location (3060 in fig 3).

In respect to claim 33, this claim recites that there are other services available over the multiple channels of information and that the data manager can access the other services. The applicant does not believe that Yurt has this in combination with the other recitations of claim 33.

Claims dependent on independent claim 37:

Claim 38 recites the data manager to access a program from multiple programs. The applicant believes that this claim builds on the recitations of claim 37 in a manner similar to the previously discussed claim 9 on its independent claim 6.

Claims dependent on independent claim 40:

Claim 41 builds on claim 40 with additional recitations similar to those of claim 13 in respect to its own independent claim 10. This recitation is important because "substantially all of the multiplicity of programs" are being stored at a given location, thus compressed storage is very important. As previously discussed, it is believed that Yurt does not have this type of consideration.

## APPENDIX B

Claims dependent on independent claim 29:

Claim 30 distinguishes over the Rogalski reference in reciting that the decompression decoder is an MPEG decoder. It is not believed that the audio signal expander apparatus of Rogalski could be modified to include this type of circuit, and if it was modified still would not have the selective bypass as set forth in the parent claim 29.

Claim 31 distinguishes over the cited Rogalski reference in its discussion of the artifact modifier circuit being a frequency converter means. As set forth in the applicant's specification, this frequency converter means can be utilized to resynchronize video transmissions (see for example the discussion beginning on pg 50 ln 3). It is not believed that the dotted line 25 which leads from the output filter 21 to the feedback filter 20 could be said to be this type of "means" in that it does not produce similar results, does not function similarly and cannot replace a frequency converter as set forth by the applicant.

In respect to claim 32, this claim was duplicative of claim 29. The applicant has therefore cancelled this claim.